

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

Chloe, LLC	
t/a District	Protest
2473 18th Street, NW,	Hearing
License No. 92742	(Status)
Retailer CR	
ANC 1C	
Case No. 13-PRO-00180	

April 2, 2014

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

PRESENT:  
RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member

DONALD BROOKS, Member

HECTOR RODRIGUEZ, Member

JAMES SHORT, Member

MICHAEL SILVERSTEIN, Member

ALSO PRESENT:

1 P-R-O-C-E-E-D-I-N-G-S

2 (9:41 a.m.)

3 CHAIR MILLER: Okay. So we're  
4 moving to the second case on the calendar  
5 which is a protest status hearing. It's Case  
6 Number 13-PRO-00180, District, located at 2473  
7 18th Street, NW, License Number 92742. And  
8 this is in ANC 1C.

9 MR. BIANCO: Good morning, Madam  
10 Chair, members of the Board.

11 CHAIR MILLER: Good morning.

12 MR. BIANCO: Richard Bianco on  
13 behalf of the Licensee. With me I have  
14 Alireza Hajaligholi, our corporate  
15 representative.

16 MR. HAJALIGHOLI: My name is  
17 Alireza Hajaligholi, A-L-I-R-E-Z-A H-A-J-A-L-  
18 I-G-H-O-L-I.

19 CHAIR MILLER: Okay. And  
20 protestants?

21 MR. SIMPSON: My name is William  
22 Simpson. I am the chair of Advisory

1 Neighborhood Commission IC. And that is S-I-  
2 M-P-S-O-N.

3 MR. JAMES: Dennis James,  
4 representing the Kalorama Citizen's  
5 Association.

6 CHAIR MILLER: Okay. Are there  
7 any issues you need to bring to our attention?

8 MR. BIANCO: Yes, Madam Chair,  
9 there are some preliminary issues I would like  
10 to bring to your attention.

11 CHAIR MILLER: Okay.

12 MR. BIANCO: In this matter, we  
13 have not had the opportunity to mediate. And  
14 the reason why we haven't had the opportunity  
15 to mediate, I think the Board is somewhat  
16 familiar with the circumstances of this  
17 establishment.

18 But just for the record, there are  
19 two action items pending that would moot the  
20 proceedings on the protest renewal.

21 Specifically, as I understand it, there's a  
22 pending transfer application from the Licensee

1 to the landlord in satisfaction of the  
2 landlord's security interest. I'm not aware  
3 that the Board has taken action on that  
4 matter.

5 And second, there is a pending  
6 show cause where the District, it would seem,  
7 is asking for penalties against the Licensee,  
8 up to and including revocation. Those matters  
9 are pending and moving forward.

10 So when the mediation came up, I  
11 requested and was granted that, I believe with  
12 consent, that the mediation be held in  
13 abeyance pending the outcome of the other two  
14 matters.

15 Similarly, I'll be making the same  
16 request this morning, that the renewal  
17 proceedings be held in abeyance pending  
18 outcome of one or both of the other matters  
19 which would make the protest on the renewal  
20 moot.

21 I know the Board has a busy  
22 calendar. And I don't want to clog the docket

1 with something that could ultimately be  
2 irrelevant in the event that either the  
3 transfer is granted or the license is  
4 otherwise affected by the show cause  
5 proceedings.

6 CHAIR MILLER: Okay. Do the  
7 Protestants have anything to say to that?

8 MR. SIMPSON: I do have a few  
9 comments.

10 CHAIR MILLER: Okay.

11 MR. SIMPSON: All right?

12 CHAIR MILLER: Go ahead.

13 MR. SIMPSON: The mediation was  
14 postponed at the request of Mr. Bianco. We  
15 had not specifically responded to that  
16 request. But Ms. Fletcher went ahead and  
17 cancelled that.

18 At this point, at least on behalf  
19 of ANC 1C, we would prefer to have the protest  
20 proceedings move forward. We'd be happy to  
21 have a mediation scheduled, but we'd prefer to  
22 keep the protest proceedings moving forward.

1                   We're very aware that these other  
2                   matters are outstanding, in particular the  
3                   potential for a show cause hearing. But we  
4                   think it's important that the Board also get  
5                   an opportunity to hear from the Adams Morgan  
6                   community about the issues with this  
7                   particular establishment. And we want to make  
8                   sure the community has that opportunity.

9                   CHAIR MILLER: Okay, Mr. James?

10                  MR. JAMES: I don't disagree with  
11                  that.

12                  CHAIR MILLER: You don't disagree  
13                  with Mr. Simpson?

14                  MR. JAMES: Correct.

15                  CHAIR MILLER: Okay. All right.  
16                  Okay. I think that it was important for the  
17                  Board to hear you all. And I think that we  
18                  will take this under advisement and then get  
19                  back to the parties.

20                  MEMBER ALBETI: Madam Chair --

21                  CHAIR MILLER: Yes?

22                  MEMBER ALBETI: -- may I ask Mr.

1       Bianco just one quick question?

2                   CHAIR MILLER:   Sure.

3                   MEMBER ALBETI:   Mr. Bianco, well,  
4       with respect to the transfer and everything  
5       that's behind that, the debt owed the  
6       landlord, where is that?  Where does that  
7       stand?

8                   MR. BIANCO:   I'm not sure, quite  
9       frankly.  The Licensee's role in the transfer  
10      has been simply consenting to the transfer.  
11      It's actually the landlord's application for  
12      a transfer.

13                   So we signed off on the  
14      appropriate consents.  They've been filed.  
15      But as I understand it, there's a fact finding  
16      hearing scheduled with regard to the transfer  
17      and the landlord.  So that's the last I've  
18      heard of, that's the last I've heard on the  
19      issue.

20                   MEMBER ALBETI:   Okay.  So both  
21      parties are consenting to the transfer?

22                   MR. BIANCO:   Correct.  It's not --

1                   MEMBER ALBETI:   Okay, that's what  
2   I need to know.

3                   MR. BIANCO:   Yes.   It's not an  
4   involuntary situation.

5                   MEMBER ALBETI:   Okay, got you.  
6   Thank you.

7                   CHAIR MILLER:   Is that in our  
8   record, other than what you just said, that  
9   both parties are consenting to the transfer?

10                  MR. BIANCO:   Well, it should be,  
11   because I know my clients have signed a  
12   transfer consent form which I've personally  
13   reviewed, so I can --

14                  CHAIR MILLER:   Okay.   Okay.

15                  MR. BIANCO:   It should be among  
16   the records.   If not, you could have your  
17   staff follow-up and we'll ensure that we get  
18   you whatever documentation we need to.

19                  CHAIR MILLER:   Okay.   Any other  
20   questions?

21                  MR. JAMES:   Actually, I have a  
22   point if I might.



1 CHAIR MILLER: Okay.

2 MR. JAMES: On behalf of the  
3 Kalorama Citizens, I'm happy to attend  
4 mediation in short order when scheduled. But  
5 I do think, you know, that it would be fair to  
6 have the show cause in this matter happen  
7 before any protest hearing so that the facts  
8 before us, that caused us to protest, can be  
9 known.

10 CHAIR MILLER: Okay. So it's your  
11 position that show cause should happen first,  
12 but it's Mr. Simpson's position that --

13 MR. JAMES: I'm not sure that  
14 that's --

15 CHAIR MILLER: -- it go forward?  
16 Is that what you said though? I just want to  
17 make sure, your position is there should be a  
18 show cause before the renewal.

19 MR. JAMES: Before protest.

20 CHAIR MILLER: Protest, right.

21 MR. SIMPSON: I don't have a  
22 strong position as to which proceeding happens

1 first. But I don't think that the protest  
2 proceeding should be delayed.

3 CHAIR MILLER: Right, okay. All  
4 right, anything else? Okay, so we heard you  
5 all and appreciate your remarks today. And  
6 we'll take them under advisement.

7 I am going to just give you some  
8 instructions with respect to the protest in  
9 the event that it does move forward as  
10 scheduled.

11 It is scheduled for May 14th,  
12 2014, at 4:30 p.m. And we'll let you know if  
13 that is going to be delayed.

14 I want to just bring to your  
15 attention that we require that you file a  
16 protest information form which is also known  
17 as a PIF, and an exhibit form and exhibits  
18 seven days ahead of the hearing and that you  
19 serve those documents on all parties.

20 And these are really important to  
21 the Board and to the case having a focused  
22 hearing. And I think it's to everybody's

1 advantage that the hearing, everyone has the  
2 information ahead of time as to what the  
3 issues are going to be so you can prepare  
4 fully to address them and then that hearing is  
5 very focused, as much possible.

6 And if we don't receive a copy of  
7 your PIF, your application of protest may be  
8 subject to dismissal. So it's very important  
9 that you follow this rule.

10 And if we don't receive a copy of  
11 the exhibit form, then the exhibits  
12 themselves, your exhibits may be excluded from  
13 the record upon a finding that the opposing  
14 party's been prejudiced or no good cause for  
15 the failure to submit has been shown.

16 Also, witnesses are subject to  
17 exclusion if they're not identified on the  
18 PIF. But that doesn't include a party.  
19 Parties are always are allowed to be  
20 witnesses.

21 And if you have any questions,  
22 feel free to contact Tisha Anderson, 442-6492

1 or Martha Jenkins. And we will get back to  
2 you though on the issues that you've raised.

3 MR. JAMES: Madam Chair, I do have  
4 a question.

5 CHAIR MILLER: Okay.

6 MR. JAMES: This is the second  
7 time I've heard you say that exhibits must now  
8 be handed over to the other side one week in  
9 advance. And the first time I heard it, I  
10 wasn't sure that I heard it correctly. And  
11 I've since checked with staff, and I find that  
12 there's no such requirement in the code. In  
13 fact, there's no such requirement even for the  
14 PIF.

15 CHAIR MILLER: Okay.

16 MR. JAMES: But I'm happy to do  
17 the PIF on behalf of Kalorama Citizens  
18 Association and try to identify before hand  
19 the witnesses but not to give over the  
20 evidence which we would be putting together.

21 There's absolutely no basis for  
22 that. And it opens up our witnesses to

1 harassment from the potential other side. And  
2 I've already heard that that has happened in  
3 a previous case.

4 CHAIR MILLER: Okay. These cases  
5 are not based on surprise. The cases are  
6 based on, you know, on the facts that exist in  
7 the communities and in the establishments.

8 And there is a basis in law in  
9 general in a measured procedure that exhibits  
10 be identified ahead of time so that all  
11 parties can prepare.

12 And they are not in our  
13 regulations at this time, no. But those are  
14 the rules that we have set for a fair hearing  
15 for all sides, so there're no surprises to me  
16 or there're no surprises to them.

17 MR. JAMES: Well, I think it's  
18 profoundly unfair and unlikely to withstand an  
19 appeal. And also, I've been told by your  
20 staff that it's not the full Board's policy,  
21 that it's your policy.

22 CHAIR MILLER: And, Mr. James, if

1     you want to appeal in the case, you can. I  
2     can't continue this discussion right now.  
3     Because we have other cases pending. But  
4     we've heard you, and if you want to, you know,  
5     pursue that in another forum, you can do that.  
6     But I can't take any more time here today.  
7     All right, so thank you very much.

8                     MR. JAMES: Thank you.

9                     MR. BIANCO: Thank you, Madam  
10    Chair, and members of the Board.

11                    MR. HAJALIGHOLI: Thank you.

12                    MR. BIANCO: Have a nice day.

13                    CHAIR MILLER: Thank you, you too.

14                    (Whereupon, the hearing in the  
15    above-entitled matter was concluded at 9:51  
16    a.m.)

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<p><b>A</b></p> <p><b>A-L-I-R-E-Z-A</b> 2:17 <b>a.m</b> 2:2 14:16 <b>abeyance</b> 4:13,17 <b>above-entitled</b> 14:15 <b>absolutely</b> 12:21 <b>action</b> 3:19 4:3 <b>Adams</b> 6:5 <b>address</b> 11:4 <b>advance</b> 12:9 <b>advantage</b> 11:1 <b>advisement</b> 6:18 10:6 <b>Advisory</b> 2:22 <b>ahead</b> 5:12,16 10:18 11:2 13:10 <b>ALBERTI</b> 1:16 <b>ALBETI</b> 6:20,22 7:3,20 8:1,5 <b>Alcoholic</b> 1:2,12,12 <b>Alireza</b> 2:14,17 <b>allowed</b> 11:19 <b>ANC</b> 1:8 2:8 5:19 <b>Anderson</b> 11:22 <b>appeal</b> 13:19 14:1 <b>application</b> 3:22 7:11 11:7 <b>appreciate</b> 10:5 <b>appropriate</b> 7:14 <b>April</b> 1:11 <b>asking</b> 4:7 <b>Association</b> 3:5 12:18 <b>attend</b> 9:3 <b>attention</b> 3:7,10 10:15 <b>aware</b> 4:2 6:1</p>	<p><b>believe</b> 4:11 <b>Beverage</b> 1:2,12,12 <b>Biancho</b> 5:14 <b>Bianco</b> 2:9,12,12 3:8,12 7:1,3,8,22 8:3,10,15 14:9,12 <b>Board</b> 1:2,12 2:10 3:15 4:3,21 6:4,17 10:21 14:10 <b>Board's</b> 13:20 <b>bring</b> 3:7,10 10:14 <b>BROOKS</b> 1:17 <b>Building</b> 1:13 <b>busy</b> 4:21</p>	<p><b>concluded</b> 14:15 <b>consent</b> 4:12 8:12 <b>consenting</b> 7:10,21 8:9 <b>consents</b> 7:14 <b>contact</b> 11:22 <b>continue</b> 14:2 <b>Control</b> 1:2,12,12 <b>copy</b> 11:6,10 <b>corporate</b> 2:14 <b>Correct</b> 6:14 7:22 <b>correctly</b> 12:10 <b>CR</b> 1:8</p>	<p>13:9 <b>exist</b> 13:6</p> <p><b>F</b></p> <p><b>fact</b> 7:15 12:13 <b>facts</b> 9:7 13:6 <b>failure</b> 11:15 <b>fair</b> 9:5 13:14 <b>familiar</b> 3:16 <b>feel</b> 11:22 <b>file</b> 10:15 <b>filed</b> 7:14 <b>find</b> 12:11 <b>finding</b> 7:15 11:13 <b>first</b> 9:11 10:1 12:9 <b>Fletcher</b> 5:16 <b>focused</b> 10:21 11:5 <b>follow</b> 11:9 <b>follow-up</b> 8:17 <b>form</b> 8:12 10:16,17 11:11 <b>forum</b> 14:5 <b>forward</b> 4:9 5:20 5:22 9:15 10:9 <b>frankly</b> 7:9 <b>free</b> 11:22 <b>full</b> 13:20 <b>fully</b> 11:4</p>	<p>12:16 <b>harassment</b> 13:1 <b>hear</b> 6:5,17 <b>heard</b> 7:18,18 10:4 12:7,9,10 13:2 14:4 <b>hearing</b> 1:7,13 2:5 6:3 7:16 9:7 10:18,22 11:1,4 13:14 14:14 <b>HECTOR</b> 1:18 <b>held</b> 4:12,17</p>
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